SIKKIM

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 3/LD/P/07 **Date: 26.04.2007.**

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 16th day of April, 2007 is hereby published for general information:-

The Sikkim State Authority for Planning and Development Act, 2007
(Act No. 3 of 2007)

AN

ACT

to provide for the setting up of an Authority for Planning and Development at the State level with a view to preparing a comprehensive, integrated and inclusive development plan covering both urban and rural areas in Sikkim with a special focus on balanced development of all urban agglomerations of the State, and for ensuring social and economic advancement of different sections of the population of Sikkim, particularly the poor, and for maintaining ecological balance and protection and improvement of environment and for safeguarding forests and wild life of the State and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of Sikkim in the Fifty-eighth Year of the Republic of India as follows :-

CHAPTER I

Preliminary

Short title, extent and commencement

1 (1) This Act may be called the Sikkim State Authority for Planning and Development Act, 2007.

(2) It extends to the whole of Sikkim except the cantonment areas.

Explanation I – "cantonment area" means an area within the jurisdiction of a cantonment.

Explanation II - "cantonment" has the same meaning as in the Cantonments Act, 1924.

(3) It shall come into force on such date as the State Government may, by notification, appoint. 2 of 1924.

Definitions.

2 In this Act, unless the context otherwise requires, -

(1) "The Advisory Council" means the Advisory Council constituted under section 5;

(2) "The Authority" means the Sikkim State Authority for Planning and Development, constituted under section 3;

(3) "The Constitution" means the Constitution of India;

(4) "The Empowered Executive Committee" means the Empowered Executive Committee constituted under section 4;

(5) "Local government" includes Municipal Corporation, Municipal Council, Nagar Panchayat, and Panchayat as may be constituted under any law for the time being in force;

(6) "notification" means a notification published in the *Official Gazette*;

(7) "rules" means the rules made by the State Government under this Act.

CHAPTER II

Constitution of the Authority, the Empowered Executive Committee and the Advisory Council

Constitution of Sikkim State Authority for Planning and Development.

3. (1) The State Government shall, by notification, constitute for the State of Sikkim an Authority to be called the Sikkim State Authority for Planning and Development for the purpose of carrying out the functions assigned to it under this Act.

(2) The Authority shall consist of the Chief Minister who shall be the Chairperson, and such Minister as the Chief Minister may direct, who shall be the Vice-Chairperson and the following Ministers, namely : -

(a) the Minister-in-charge of Urban Development and Housing Department,

(b) the Minister-in-charge of Rural Management and Development Department,

(c) the Minister-in-charge of Roads and Bridges Department,

(d) the Minister-in-charge of Law, Tourism, and Commerce and Industries Departments, and

(e) the Minister-in-charge of Forests, Wild Life and Environment Management Department, Mines and Geology Department, and Science and Technology Department.

(3) The Chief Secretary to the State Government shall be the Member Secretary of the Authority.

(4) The Authority shall be a body corporate having perpetual succession and a common seal and shall, by its name, sue and be sued.

(5) The State Government shall, in consultation with the Authority, provide the Authority with such number of officers, and other employees, of such categories as the Authority may require for performing the functions of the Authority under this Act.

(6) The State Government shall make separate provision in the annual State budget so as to enable the Authority to administer the provisions of this Act.

Constitution, and functions of, Empowered Executive Committee.

4 (1) The Authority shall, by notification, constitute an Empowered Executive Committee consisting of –

(a) the Chief Minister who shall be the Chairperson,

(b) such Minister as the Chief Minister may direct, who shall be the Vice Chairperson, and

(c) such other Minister or Ministers, not exceeding two, as the Chief Minister may deem fit.

(2) The Development Commissioner of the State Government shall be the Member-Secretary of the Committee.

(3) The Empowered Executive Committee shall oversee the implementation of the plans and the follow-up of the planning process as may, under section 6, be undertaken or provided by law, as the case may be.

Constitution, and functions, of Advisory Council.

5 (1) The State Government shall, by notification, constitute an Advisory Council under the Chairmanship of the Chief Secretary to the State Government for the purpose of carrying out the functions assigned to it under this Act.

(2) The Special Secretary of Development Planning, Economic Reforms and North-Eastern Council Affairs Department of the State Government shall be the Member-Secretary.

(3) The other Members of the Advisory Council shall consist of the following :-

(a) such Secretaries of the State Government and such officers of statutory authorities,

(b) representatives of Central Government and undertakings of the Central Government involved in any project or activity in the State,

(c) representatives of trade, commerce and industry organizations, and(d) members of the civil society,as the State Government may deem fit.

(4) The Advisory Council shall advise the Authority on the preparation of development plan, annual plan, and development schemes and on such other matters relating to planning of development and implementation of development plans as may be referred to it by the Authority.

CHAPTER III
Functions of the Authority

Functions of the Authority.

6. The Authority shall –

(1) undertake preparation of comprehensive and integrated development plan for -

(a) socio-economic development,

(b) development of urban, civic, economic, and social infrastructure with special emphasis on roads, bridges, tunnels and transport infrastructure,

(c) ecological and environment management,

(d) overseeing the implementation of its development plans, and

(e) management of, and overseeing, local government institutions,

(2) provide, by law, in the overall planning process, for -

(a) preparation of -

(i) settlement plan,

(ii) economic plan with emphasis on management of rural and urban poverty, and

(iii) land-use plan,

(b) control of development,

(c) infrastructure development plan with special emphasis on infrastructure for transport and tourism,

(d) investment plan,

(e) financing plan,

(f) urban and rural management plan,

(g) environment management plan, and

(h) management of ecological and environmental aspects of the State, having regard to the flora and the fauna of the State including the hilly terrain,

(3) ensure that democratic decentralization of local governments contributes to the improvement of the performance of such governments, both in urban and rural areas, and the quality of life of the citizens at large,

(4) facilitate realization of local autonomy through improved coordination of national and the State Government policies and programmes and extension of adequate technical and material assistance to the less developed and hence deserving units of the local governments by instituting alternative arrangements for service delivery of urban, civic, economic, and social infrastructure,

(5) make adequate provisions for resources with powers, responsibility, and accountability to enable the local governments, both in rural and urban areas, to effectively carry out their functions and to have enabling powers to create and broaden their own sources of revenue and to have a just share of the State taxes and other revenues of the State, and

(6) to ensure the participation of the private sector in the efforts of the State to secure social and economic advancement of, and delivery of basic services to, the people of Sikkim.

Plan to be consistent with the recommendations of the Committee for district planning.

7. The plans as aforesaid shall give due regard to the development plans of the Committees for district planning.

CHAPTER IV
Miscellaneous

Meeting of the Authority, the Empowered Executive Committee, and the Advisory Council.

8. (1) The Authority shall meet as often as necessary provided that there shall not be an interregnum of more than six months between its meetings.

(2) The Empowered Executive Committee shall meet as often as necessary provided that there shall not be an interregnum of more than three months between its meetings.

(3) The Advisory Council shall meet as often as necessary provided that there shall not be an interregnum of more than six months between its meetings.

Power to make Rules.

9. The State Government may, by notification, make rules for carrying out the purposes of this Act.

Repeal and saving.

10. The provisions of the Sikkim Urban and Regional Planning and Development Act, 1998 (hereinafter referred to in this section asthe said Act), shall, to the extent they are inconsistent with the provisions of this Act stand repealed:

Act 7 of 1998

Provided that notwithstanding such repeal, anything done or any action taken under any provision of the said Act before the coming into force of this Act shall be valid and shall continue to be valid until any order in this behalf, consistent with the provisions of this Act is made by the State Government or the Authority, as the case may be.

By Order.

R. K. Purkayastha (SSJS)
LR-cum-Secretary,
Law Department.